



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles
CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
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"To Enrich Lives Through Effective And Caring Service"

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December 10, 2013

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

24 December 10, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**DEPARTMENT OF PUBLIC WORKS:
FIND THE LOWEST BID NON-RESPONSIVE AND
AWARD A PUBLIC WORKS CONSTRUCTION CONTRACT
FOR THE GENERAL WILLIAM J. FOX AIRFIELD
PERIMETER FENCING REPLACEMENT PROJECT
CAPITAL PROJECT NO. 88745
FIFTH DISTRICT
(3 VOTES)**

SUBJECT

The recommended actions will award a Public Works construction contract for General William J. Fox Airfield Perimeter Fencing Replacement Project, Capital Project No. 88745, and authorize the Director of Public Works, or her designee, to execute a contract for the work in the City of Lancaster, and find the lowest bidder non-responsive for failure to submit an acceptable bid guaranty.

IT IS RECOMMENDED THAT THE BOARD:

1. Award and authorize the Director of Public Works, or her designee, to execute a construction contract and establish the effective date following receipt of approved Faithful Performance and Labor and Material Bonds and insurance certificate filed by the contractor for Project ID No. APT5080435 – General William J. Fox Airfield Perimeter Fencing Replacement Project, Capital Project No. 88745, for replacement of perimeter fencing to meet current Transportation Security Administration recommendations for general aviation airports, in the City of Lancaster, to Alcorn Fence Company, in the amount of \$1,895,102.

2. Find the apparent lowest bid submitted by Lightning Fence Company, Inc., dba, Lightning Construction Specialties, non-responsive for failure to submit an acceptable bid guaranty, as

required in the bid documents.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to obtain Board approval to award a construction contract and authorize the Director of Public Works (Director), or her designee, to execute the contract and establish the effective contract date following receipt of approved Faithful Performance and Labor and Material Bonds and insurance certificate filed by the contractor for the General William J. Fox Airfield Perimeter Fencing Replacement Project (Project).

On July 30, 2013, the Board instructed the Executive Officer of the Board of Supervisors to advertise the Project for construction bids to be received on August 27, 2013, and authorized the Director, or her designee, to award and execute a construction contract with the apparent Lowest Responsive and Responsible Bidder.

On August 27, 2013, bids were opened and the apparent lowest bidder was Lightning Fence Company, Inc., dba, Lightning Construction Specialties in the amount of \$1,187,053; however, its bid failed to include an acceptable bid guaranty, as required by the bid documents. The bid guaranty submitted by Lightning Fence Company, Inc., dba, Lightning Construction Specialties was materially deficient and non-compliant with the bid requirements in that it did not refer to the subject Project, but instead referenced a different project. Therefore, it is recommended that Lightning Fence Company, Inc., dba, Lightning Construction Specialties' bid be rejected as non-responsive for failing to comply with the bidding requirements.

Upon determining that the bid submitted by Lightning Fence Company, Inc., dba, Lightning Construction Specialties, was non-responsive, the apparent Lowest Responsive and Responsible Bidder became Alcorn Fence Company with a bid amount of \$1,895,102. Alcorn Fence Company has successfully completed the terms of the contract documents. Therefore, it is recommended that the construction contract be awarded to Alcorn Fence Company.

The approved Project includes replacement of approximately 36,000 linear feet of existing airport perimeter fence. The perimeter fencing will consist of an 8-foot-high chain link security fence with barbed wire on top, for a total perimeter fence height of nine feet.

The attachment includes the call for bids and bid opening date, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposal are also attached for the Project. The attachment also includes the amount of the recommended contract as compared with the engineer's estimate, the other bids received, and more detailed financial information.

The Board's approval of the recommended construction contract is necessary to implement the Project in support of operational missions and will ensure the timely completion of the Project.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Integrated Services Delivery (Goal 3). Awarding this contract will provide an improved and more accommodating facility for airport customers.

FISCAL IMPACT/FINANCING

This action will have no impact to the County General Fund.

On June 18, 2013, the Board approved the Project with a total Project cost estimate of \$2,800,000, including construction, change order allowance, material testing, topographic surveying, engineering design, project inspection, and County services.

The Project is funded by Federal Aviation Administration (FAA) grant of \$2,520,000, which equates to 90 percent of the total Project cost; and the California Department of Transportation California Aid-to-Airports Program Matching Grant of \$126,000, which equates to 5 percent of the FAA grant amount. The remaining \$154,000 is funded by the Public Works Aviation Enterprise Fund (M02 Enterprise Fund).

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The construction contract will be in the form previously reviewed and approved as to form by County Counsel.

The recommended contract was solicited on an open competitive basis and is in accordance with applicable federal, State, and County requirements. The contractor is in compliance with the Chief Executive Officer's and the Board's requirements.

The award of this contract will not result in unauthorized disclosure of confidential information and will be in full compliance with federal, State, and County regulations. This contract contains terms and conditions supporting the Board's ordinances, policies, and programs, including, but not limited to: the County's Greater Avenues for Independence (GAIN) and General Relief Opportunities for Work (GROW) Programs, Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the County's Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; Local Business Enterprise Preference Program, Los Angeles County Code, Chapter 2.204; and the standard Board directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the lowest-cost bid; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the attribute of trustworthiness, as well as the quality, fitness, capacity, and experience to satisfactorily perform the work required under the bid solicitation.

To ensure the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy

No. 5.140, the information reported by each respective contractor was considered before making this recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this Project and are on file with Public Works.

In accordance with the Board's Civic Art Policy adopted on December 7, 2004, and revised on December 15, 2009, the Project is exempt from Civic Art fees because the Project includes replacement of airport infrastructure.

ENVIRONMENTAL DOCUMENTATION

On July 30, 2013, the Board found the Project to be categorically exempt from the provisions of the California Environmental Quality Act because the Project consists of replacement of existing structures and will have the same purpose and capacity as the structure replaced. There have been no changes to the Project since the Board found it to be exempt.

CONTRACTING PROCESS

The construction contract was solicited on an open-competitive basis in accordance with the provisions of the State Public Contract Code.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans for each employee.

To further increase contractor awareness of contracting opportunities with the Department of Public Works, this Project was listed on the County website for upcoming bids.

Public Works will review and approve the Faithful Performance and Labor and Material Bonds and insurance certificate filed by the contractor filed by the contractor.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

When the Project is completed, it will have a positive impact by providing an improved and more accommodating facility for airport customers.

CONCLUSION

Please return one adopted copy of this Board letter to the Chief Executive Office, Facilities and Asset Management Division; and to the Department of Public Works, Construction Division.

The Honorable Board of Supervisors

12/10/2013

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. T. Fujioka', with a long horizontal line extending to the right.

WILLIAM T FUJIOKA

Chief Executive Officer

WTF:SHK:DJT

SW:VM:rp

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Public Works

AWARD OF CONTRACT

PROJECT ID NO. APT5080435 – General William J. Fox Airfield Perimeter Fencing Replacement Project, Capital Project No. 88745, (in the City of Lancaster), FIFTH DISTRICT.

TYPE OF WORK: Replace deteriorated perimeter fencing to meet current Transportation Security Administration recommendations for general aviation airports.

CALL FOR BIDS DATE: July 30, 2013 (Agenda Item 25)

BID OPENING DATE: August 27, 2013

BID SUMMARY:

Low	Alcorn Fence Company P.O. Box 1249 Sun Valley, California 91353 (323) 875-1342	\$1,895,102.75
2	FenceCorp, Inc.	\$2,187,760.77
3	A-1 American Fence, Inc.	\$2,193,089.06
4	Crown Fence Company	\$2,895,404.79

Lightning Fence Company, Inc., dba, Lightning Construction Specialties submitted a bid in the amount of \$1,187,053.10; however, its bid proposal did not include an acceptable bid guaranty. Therefore, it is recommended that its bid be found nonresponsive and be rejected as provided in the Instructions to Bidders.

FINANCIAL INFORMATION:

Amount of estimate	\$1,966,869.00
Amount of recommended contract	\$1,895,102.75
Amount of recommended contract below estimate	\$ 71,766.25

The amount of the recommended contract is 3.6 percent below the estimate.

On June 18, 2013, the Board approved the Project with a total Project cost estimate of \$2,800,000, which includes construction, change order allowance, material testing, topographic surveying, engineering design, construction inspection, and Project administration.

The anticipated Federal Aviation Administration (FAA) grant of \$2,520,000 will reimburse a minimum of 90 percent of the total Project cost. The California Department of Transportation California Aid-to-Airports Program Matching Grant will fund \$126,000, which equates to a maximum of 5 percent of the FAA grant amount and the remaining \$154,000 is funded by Public Works Aviation Enterprise Fund.

There will be no impact to the County General Fund.

ENVIRONMENTAL IMPACT:

On July 30, 2013, Agenda Item 25, the Board found the Project categorically exempt from the California Environmental Quality Act because the Project consists of replacement of existing structures and will have the same purpose and capacity as the structures replaced. There have been no changes to the Project since the Board found it to be exempt.

CONSTRUCTION SCHEDULE:

The contract specifications require the work to be completed in 95 working days. It is estimated the work will start in February 2014 and be completed in June 2014.